

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CITY OF STERLING HEIGHTS, ET AL.,

Plaintiffs,

v.

UNITED NATIONAL INSURANCE
COMPANY, ET AL.,

Defendants.

Case No. 03-72773

Honorable Nancy G. Edmunds

**ORDER DENYING IN PART PLAINTIFF'S MOTION TO COMPEL ADDRESSED TO
DEFENDANT UNITED NATIONAL INSURANCE COMPANY [169]**

This matter initially came before the Court at a hearing held on May 11, 2005. As ordered, Defendant United National Insurance Company produced to the Court, for *in camera* review, all documents listed in its privilege log. The Court has completed its *in camera* review of these documents and the parties' supplemental briefs on privilege issues. The Court finds Defendant's arguments persuasive. The privileged documents are communications to/from attorneys regarding litigation strategy, possible liability, and similar subject matter. They are the type of documents traditionally protected under the attorney/client and/or attorney work product doctrines. That Defendant shared the documents with its re-insurers does not change this conclusion. Disclosure to third parties constitutes a waiver of the privilege only if the disclosure "is inconsistent with the maintenance of secrecy from the disclosing party's adversary." *Minnesota School Bds. Assoc. Ins. Trust v. Employers Ins. Co. of Wausau*, 183 F.R.D. 627, 631 (N.D. Illinois

1999). Accordingly, these privileged documents need not be produced.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: June 15, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 15, 2005, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager